

quinn emanuel trial lawyers | new york



COHEN MILSTEIN

January 14, 2022

VIA ECF

Magistrate Judge Sarah L. Cave
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1670
New York, NY 10007

Application GRANTED. The Clerk of Court is respectfully directed to close ECF No. 511.

SO ORDERED 1/18/22


SARAH L. CAVE
United States Magistrate Judge

Re: *Iowa Pub. Emps.' Ret. Sys. et al. v. Bank of Am. Corp. et al.*, No. 17-cv-6221 (KPF-SLC)

Dear Judge Cave:

Plaintiffs respectfully request leave to file their reply to Defendants' sur-reply (ECF 495) and accompanying materials under seal temporarily, pursuant to paragraph I.G of this Court's Individual Practices in Civil cases and paragraph 9(c)(ii) of Judge Failla's Individual Rules of Practice, to allow the parties to propose appropriate redactions or other designations.

Plaintiffs request to file their sur-sur-reply under seal as it contains references to expert materials and documents that have already been, or will be, filed under seal or in redacted form pursuant to sealing orders issued by Judge Failla and have been designated as Highly Confidential or Confidential pursuant to the Protective Order in this case (ECF 150). *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (recognizing that the Court must "balance competing considerations against [the presumption of access]," including but not limited to "the privacy interests of those resisting disclosure") (quoting *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)). Defendants likewise sought leave to file their sur-reply under seal (ECF 494), and the Court granted their request (ECF 497).

Plaintiffs request to submit redacted copies, under-seal designations, and public copies of the sur-sur-reply materials on February 1, 2022. This is consistent with the timeframe for the parties' previous filings.

Further, Plaintiffs understand that, pursuant to paragraph III.C. of this Court's Individual Rules of Practice, courtesy copies are not required unless requested by the Court. For the Court's consideration in assessing whether it wants courtesy copies, Plaintiffs expect that that the total page count of the class certification filing will exceed 24,400 pages. Should the Court desire courtesy copies, Plaintiffs propose to provide full copies of memoranda, expert reports, and expert depositions, and to prepare excerpts of the remaining exhibits.

Respectfully submitted,

/s/ Michael B. Eisenkraft
Michael B. Eisenkraft
COHEN MILSTEIN SELLERS & TOLL
PLLC

/s/ Daniel L. Brockett
Daniel L. Brockett
QUINN EMANUEL URQUHART &
SULLIVAN, LLP